

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 7, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, APRIL 7, 2015, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning. This regular meeting of the Maui County Council will please come to order.

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ROBERT CARROLL AND MICHAEL P. VICTORINO.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members present and two Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you. And for opening remarks this morning, we're blessed with the words of Councilmember Couch.

OPENING REMARKS

The opening remarks were offered by Councilmember Donald G. Couch, Jr.

CHAIR WHITE: Thank you, Member Couch.

Will you all please join me in the reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And before we proceed, please turn off your cellphones or other noisemaking devices if you have them with you.

And, Mr. Clerk, let's proceed with the agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and the first person to testify is Nichol Kahale.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. NICHOL KAHALE (testifying on County Communication No. 15-100):

Aloha, Councilmembers. My name is Nichol Helm Kahale and I am a parent of four boys, two who attend Molokai High School; an educator; wife of a coach; and a generational long time Molokai resident.

The Molokai Princess is vital to so many people for various reasons. It is more than just a means of transportation providing access across the Pailolo Channel. It is a conduit that bridges our simple lives to the outside world and offers opportunity, competition, and academic experiences for our kids. Whether in competition for Robotics, STEM, or athletics, the ferry services has been a dependable, affordable, and a safe option for transportation.

The largest ridership traveling on the ferry are students, our kids; our kids that attend Molokai High School, Molokai Middle School, as well as students from public and private schools on Maui and Lanai. Just this past weekend, five teams traveled on the boat: golf, tennis, volleyball, baseball, and softball. It would be virtually impossible for a small commuter airline to accommodate this many students at one time with the limited airline routes provided to Molokai.

As a parent, I appreciate the fact that it is a dependable service and it provides a safe passage for my kids and others. There are many of us who prefer having our children travel by ferry rather than plane. My sons are student athletes and compete in year round sports, and travel at least six times per sports season. Multiply that by three seasons, that's eighteen times in a school year they are off-island for public school related events.

On a personal level, many of us vividly remember our Molokai kids coming home from competition for MIL's and half of the team, including my sister, athletic director and coach, perished in a plane crash. Those of us who experienced this share similar anxieties when sending our kids, our own kids off to compete. Accidents do happen and we sometimes have no control of our circumstances, but there is some ease in knowing that our children have another option, and they are familiar with the ocean and have a fighting chance if something should go awry.

Financially, Molokai will be hard hit if operations cease. Flying only will make it difficult for whole teams to travel. With the limited return flights, it may extend the time needed for lodging and meals. This will come at the expense of parents, the school, and community who are already burdened with fundraising.

Although the price to ride the boat sometimes exceeds an airline ticket, large families save money when traveling to Maui; young children ride for free, and also some youth pay half the price it would cost to fly. This makes it a budget friendly option for families to travel together for various reasons such as doctor appointments and/or supporting their kids in school activities. With the hard economic challenges Molokai residents face and will possibly face, this option is very welcoming.

I support any help that can come from the Council in alleviating the challenges faced with providing a source of public transportation from island to island that serves a greater population and more importantly our kids. Mahalo.

CHAIR WHITE: Thank you. Members, any questions for the testifier or clarification required. Seeing none, thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have two individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Dave Jorgensen, testifying on County Communication 15-102. Mr. Jorgensen will be followed by Artemio Baxa.

CHAIR WHITE: Thank you.

MR. DAVE JORGENSEN (testifying on County Communication No. 15-102):

Aloha, Chair White, Members of the Council and staff. My name is Dave Jorgensen. I'm appearing today as the President of the Maui Memorial Medical Center Foundation Board, and also with me today is our Executive Director Lisa Varde and

some of our board members; Clayton Fuchigami, Dr. Colin Lee, and Helen MacArthur.

We just want to thank you very much for the proposed resolution. Hopefully you all know all the circumstances about the hospital. There's certainly some questions that still need to be worked out. The most recent version of the legislation is House Bill 1075, House Draft 2, Senate Draft 2, that Senator Gilbert Keith-Agaran proposed, that's being heard tomorrow. That hopefully does address many, if not all of the issues. There, there certainly will still be some issues with various aspects of the proposal.

But, you know, I, I've, you know, I, I've only been, I've been here since '92, but, you know, my wife, her family, my wife's grandmother, my grandmother-in-law will turn 100 in November. A year and a half ago she had to have a pacemaker put in. If she had had to fly to Honolulu to have that done, we don't think she would be with us. She was able to stay here, have it done, we were able to spend time with her at the hospital, and you know, help her through her recovery.

You all, I'm sure have heard many stories of, of many other people who have had similar situations. Family, friends of ours, or some of us ourselves who had to have treatment and were able to get it here on Maui because of the hospital, or were able to get it on Lanai, or were able to get it up in Kula. It's, yes, there are still questions, but, the alternative to there not being able to be a public-private partnership, the State has made it very clear, there's not money for them to fund at the level that's necessary. The alternative of reduced services or even worse is just not a comfortable thing for, for any of us on Maui.

So, I, I ask you to, to support this resolution and to support the legislation that is coming up for hearing tomorrow. Thank you very much.

CHAIR WHITE: Thank you, Mr. Jorgensen.

Members, any need for clarification? Seeing none, thanks for coming this morning.

MR. JORGENSEN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Artemio Baxa, testifying on County Communications 15-100 and 15-102. Mr. Baxa will be followed by further testimony from our Molokai District Office.

MR. ARTEMIO BAXA (testifying on County Communication Nos. 15-100 and 15-102):

Mr. Chair and Honorable Members of the Council. I will be speaking on two things this morning. So, I would like to ask that I be given at least four, four minutes.

I'd like to speak first about the Molokai situation. Many, many years ago, I was involved with the community of Molokai. I know then, and I still think that today it is still an isolated place economically deprived. And, I understand that for some people it is hard to get employment on Molokai, so they have to go to Lahaina and for social, educational needs. They also have to participate with the general community.

We are a people. We are a family. The people of Molokai are our brothers and sisters. They need our help. And whatever help the Administration and the Council can give them, I would deeply appreciate it.

Let me read to you what Franklin Delano Roosevelt said, "let us not be afraid to help each other--let us never forget that government is ourselves. And a government worthy of that name, means making a fitting response". Thank you, Mr. Chair, on that.

The next thing that I would like to testify to is about the resolution concerning the hospital. I did not know that this was on the agenda. But, I saw my friend, Mr. Jorgensen, and I noticed that he was coming to testify on that.

I would like to mention to you that not too long ago, perhaps because of my old age, I have been plagued with some serious physical difficulties. So, I was taken to the hospital. The people at the hospital, doctors, nurses, everybody else, from MRI to, to any place, they were so nice. They were so good in the fulfillments of their duties. I just hate to see the day when the financial difficulties of the hospital will not enable it to give the best medical service to the community.

Mr. Chair and Honorable Members of the Council, I am also as a private individual, supporting this resolution. Thank you.

CHAIR WHITE: Thank you, Mr. Baxa.

Members, any need for clarification on either of those items? Thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: The next testifier is Michael Kahale.

MR. MICHAEL KAHALE (testifying on County Communication 15-100):

Good morning, Councilmembers. My name is Mike Kahale and I'm a school counselor at Molokai Middle, and the head football coach at Molokai High School. I am also a parent of four boys who attend public schools here on island.

I urge you to seek a resolution to help continued ferry service to Molokai via, via the Molokai Princess. The impacts of a shut down or reduction in service are obvious; loss of jobs, termination of a . . . workforce, negative impact to our economy, and fewer options for travel. The list goes on.

However, as an educator and coach, I can foresee the negative impacts on our youth, our students, our future. The ferry is a main transportation vehicle for our students at the high school and middle school. Molokai is part of Maui County and our, and our ability to travel to Maui greatly depends on a reliable ferry system that has the ability to carry larger groups of people that a commuter airlines cannot.

From STEM and Robotic competitions, to science fair and athletics, our students need to be afforded the opportunity to participate in activities and events that are not readily available here on Molokai. A fly only option would drastically reduce the, the number of students who would be able to travel off-island to participate in these events.

As a founding member of the MIL Eight-Man Football League, I have witnessed a positive impact that athletics, especially football, has had on the athletes I have coached these past few years. For many, the incentive to "play the game", helps them stay on track, pass a class, and for some, even earn a diploma, all because they get to participate in football.

Without the ferry, I don't see how a smaller airlines that service Molokai can accommodate our football team who have to travel with our bags, football gear and equipment, sleeping bags, or air mattresses, coolers and cooking supplies. These kind of traveling arrangements can only be accomplished on the ferry.

So, with that I urge, I urge you, I implore you to seek out options to help maintain some kind of ferry service to benefit all of our students and our youth on Molokai. We need you to help them. Thank you.

CHAIR WHITE: Thank you, Mr. Kahale.

Members, any need for clarification of the testimony? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: Our next testifier is Kaimana Kahale.

MR. KAIMANA KAHALE (testifying on County Communication No. 15-100):

Aloha, Councilmembers. My name is Kaimana Kahale and I am a student athlete at Molokai High School.

If the Molokai Princess were to shut down, the results would directly impact the transportation for students between islands in Maui County. The amount of athletes on travel squads would be reduced due to the fewer transportation options.

I participate in sports year round, playing football, basketball and volleyball. The opportunity to participate in these sports help me and my peers stay on track academically. Here on Molokai, we have very few social outlets, and athletics provide me a constructed, constructive use of my time. I would hate for some of these opportunities to be taken away because we no longer have a flexible travel option that are afforded on the Molokai Princess. Thank you.

CHAIR WHITE: Thank you, Mr. Kahale. Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Richelle Kawasaki testifying on County Communication 15-102. She will be followed by further testimony from our Molokai District Office.

MS. RICHELLE KAWASAKI (testifying on County Communication No. 15-102):

Good morning, Council Chair and Members of the Council. Thank you for this opportunity to testify. My name is Richelle Kawasaki and I am one of the Assistant

Hospital Administrator's for the Maui Region of the Hawaii Health Systems Corporation.

We recently learned of the resolution submitted by Council, submitted to the Council in support of a public-private partnership for the hospital. And, I'm here to thank you for that expression of support and to urge you to support this resolution. As you have all read and heard about the hospital, we are facing some difficult and challenging times.

Mr. Lo was not able to be here this morning. He was needed in Honolulu to discuss matters related to the bill that would support this public-private partnership. And, we wanted to assure you that I'm available for any questions that you might have. Thank you.

CHAIR WHITE: Thank you very much, Ms. Kawasaki.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. KAWASAKI: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: Our next testifier is Teri Waros.

MS. TERI WAROS (testifying on County Communication No. 15-100):

Aloha kakahiaka, Councilmembers. Mahalo nui. I want to say mahalo to the Kahale's because I think that testimony was so very strong in stating the urgency of protecting this lifeline to Molokai and Maui County at large.

It really is about our kids, our people who need to travel to Maui for work. For dog owners, if you have a large dog on this island, to get them to a vet. The only way to do so is on the ferry. Many of our community and our families go for shopping or visiting other families as well.

In addition to this, the ferry does feed our visitor industry here on Molokai. Yes, we have small numbers. No, we're not for everybody. But, we certainly can use more people who want to come and understand the experience of Molokai. And, we are

seeing very positive reports in the newspapers and travel writers that the MVA has been bringing, are getting the spirit of Molokai. Unfortunately, much of this information is not made accessible to our kama`aina. We would of course prefer kama`aina visitors.

And so, well, I, I strongly urge you to support the Lahaina Cruise Company and continuing the ferry service. I strongly feel it should not be cut back to one day, or once a day. But, I would also like to stress that perhaps we can urge Mr. Young, or perhaps the MVA to supplement this, that we're not sustainable that's understanding.

But, I truly believe if we concentrated on a kama`aina marketing plan, that we could certainly, we don't need thousands and thousands of people, but if 160,000 residents of Maui, there's certainly are enough visitors or guests that we would love to welcome and that they could benefit by breaking away from the daily life of Maui. Thank you very much for your time.

CHAIR WHITE: Thank you, Ms. Warren *[sic]*.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: Our next testifier is Artice Swingle.

MS. ARTICE SWINGLE (testifying on County Communication No. 15-100):

Good morning, Councilmembers. My name is Artice Swingle and I'm just representing myself as an elder on this island.

If we want to go over and virtually shop for things or go to Costco, the only way that we can effectively do that is on the ferry. It's just prohibitive, cost prohibitive to try to fly and to handle all of the, you know, stuff that you would buy at a Costco run, whereas, on the ferry we can take large amounts of things. We can go and buy enough to sustain ourselves. Our income is limited and we just can't afford to pay all the extra money that it would cost to ship it or to get it to our home otherwise.

And, I still, I really very much support what Teri Waros just said in her testimony as far as the need for our children to have the opportunity to participate in sports, homeowners with large dogs, you know.

We really enjoy those who do come from Maui on the ferry and come over and see us, and are a part of our community. And, we really feel like this should be a priority for the Council to continue this service for us. Thank you very much.

CHAIR WHITE: Thank you, Ms. Swingle.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Larry Feinberg testifying on County Communication 15-102. He will be followed by further testimony from our Molokai District Office.

MR. LARRY FEINBERG (testifying on County Communication No. 15-102):

Good morning, everybody; Council Chair, Councilmen. I'm here to testify for 15-102 and to stress to you how important it is to support this because you have to, you have to remember that you represent all the people of Maui County. I'm a little out of breath because I walked up the stairs. So, it's not just the union, which is a couple of, maybe a couple of hundred people. But, I know that you need union support to get elected and I know a number of you are going to look to be, run for Mayor.

And, once again, the thing I stress the most is that our hospital is in such need, we're in need of urgent care, the hospital's in need of urgent care. And, each and every one of you has either been there, have your family been there, your children been there. All the people, which is the lifeblood of the island at this point in time are the tourists, that so many tourists come, and need the healthcare that we have to provide. And, if we cannot do it, that is tremendous detriment to the island.

And, I think it's wonderful that you as a Council, as a whole are going to step up and tell our representatives over on Oahu that this is what we need. And, this is something that you've all heard for years, and years, and years, and now is the time. Cause if not now, when?

One other thing, as I was walking up the stairs, I took a picture of one of the, I don't think you guys walk up the stairs, but I took a photo and what it says on the wall, it says "he who has health has hope, and he who has hope has everything". And, that is on the wall in the staircase, and is something that we have to stand as a whole.

And, once again, I want to say that you represent, each and every one of you, and please tell the two people that are not here, that you have been voted by the people of Maui and we're looking forward to the people of, you want to do something, for the people of Maui for their health and welfare.

And, each and every one of you at one point in time will need the hospital. It's just like your priest, or your rabbi. I would always say, why do you support your congregation? Because it's like spiritual health insurance, cause when you need it, it's there. And, we need the hospital. And, we need the support of the hospital because where else are babies going to be born? Thank you very much. Aloha.

CHAIR WHITE: Thank you, Mr. Feinberg.

MR. FEINBERG: Any? Oh.

CHAIR WHITE: Members, any need for clarification?

VICE-CHAIR GUZMAN: Thank you, Chair. Thank you very much, Mr. Feinberg for being here. You mentioned something about the unions. The House Bill 1075, does that address any of the union concerns or are you aware of any of their issues?

MR. FEINBERG: You know, I haven't read all the paperwork. I know the big picture. I do know that some of the pushback that's coming is from the unions. And, unions were a wonderful thing, not at the turn of the last century, but the turn of the century before where they were robber barons, there were a lot of people taking advantage of the common man, the workers when they were paying nothing, having working 60-80 hours a week.

Today, unions came in and you look at, you know, the, the textile industry is gone from America. The automotive industry is mostly gone from America. They're trying to bring it back. But they're--

VICE-CHAIR GUZMAN: Mr. Feinberg.

COUNCILMEMBER COCHRAN: Thank you.

MR. FEINBERG: Okay.

VICE-CHAIR GUZMAN: That, that's fine.

MR. FEINBERG: So, so.

VICE-CHAIR GUZMAN: Clearly, you, you can't answer.

MR. FEINBERG: But the thing with the unions is.

VICE-CHAIR GUZMAN: That's fine.

MR. FEINBERG: That, you know, it's a couple of people that are fearing of losing their job.

CHAIR WHITE: Mr., Mr. Feinberg.

MR. FEINBERG: Okay.

VICE-CHAIR GUZMAN: I apologize, Chair, for allowing that to be too broad.

MR. FEINBERG: Well.

CHAIR WHITE: Not, not a problem. Any further clarification needed?

Thank you for your testimony this morning.

MR. FEINBERG: Okay. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your next testifier.

MS. ALCON: There is no one here on Molokai waiting to testify. And I will submit many testimonies that have been dropped off, written testimonies.

DEPUTY COUNTY CLERK: Okay, thank you.

Lanai Office are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

DEPUTY COUNTY CLERK: Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk. Have we received written testimony?

DEPUTY COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: I just, a question, Ms. Alcon mentioned that she has additional testimony. Can we find out whether that testimony has been transmitted to us.

DEPUTY COUNTY CLERK: Ms. Alcon.

MS. ALCON: I have it right here at my office and I will fax it over in a little bit.

CHAIR WHITE: Okay.

DEPUTY COUNTY CLERK: Okay, thank you very much.

CHAIR WHITE: Thank you. Members, without objections, we will submit both the testimony on Molokai and that received here in the chamber into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you. With that, Members, we will close, without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Teri Waros;
2. Artice Swingle;

3. Lydia Trinidad, Kualapuu School;
4. Jenilynn Agliam;
5. Breishalyn Traxler-Ortiz;
6. Cassidy Puaa;
7. Shirley Alapa;
8. Patricia Crandall;
9. Betts Cruz;
10. Lee DeRouin, Molokai High School;
11. Nanette Grambusch;
12. Pearl Hodgins;
13. Jeffrey Jumper;
14. Carol and Jon Slater;
15. Jim Smith;
16. Bronwyn Cooke;
17. Brandi Imakyure;
18. Peggy Lucas;
19. Pat Lynch;
20. Ani Van Eps;
21. Kathy Flynn;
22. Barbara Luke.
23. Phillip Kikukawa; and
24. Kyni Ravello.

CHAIR WHITE: Mr. Clerk.

Members, without objection, I'd like to request the Clerk to bring up Committee Report 15-21 at this time. As all of you know, Section 3-6.6 of the Charter requires an affirmative vote of six Members to retain or employ special counsel. By the time we reach the end of the agenda, we may be down to only six Members. And, if there are no objections, I'd like to have the Clerk bring that up at this point. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you.

Mr. Clerk.

UNFINISHED BUSINESS

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-21 - COMMITTEE OF THE WHOLE:

Recommending that Resolution 15-35, entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK", be ADOPTED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On March 4, 2015, your Committee met to consider a proposed resolution to authorize.

COUNCILMEMBER COUCH: Point of order, Mr. Chair. Mr. Chair, we need a motion first.

VICE-CHAIR GUZMAN: Oh, I'm sorry. I'm sorry, apologize, I'm kind of off my game today.

I, CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN
THE COMMITTEE OF THE WHOLE REPORT 15-21.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Been moved by Mr. Guzman, and seconded by Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On March 4, 2015, your Committee met to consider a proposed resolution to authorize the employment of Michael Shebelskie, Esq., of Hunton & Williams LLP, as appellate counsel to represent the County in Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK; and raising the compensation limit for the employment of the special counsel by an additional 500,000 for trial preparation, motions, trial, and appeal, for a total compensation not to exceed 1,750,000.

The complaint in this case alleges violations of the Federal Water Pollution Control Act, also known as the Clean Water Act, and other laws, arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility. The complaint seeks injunctive relief, penalties, and attorney's fees and costs.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. I ask for the Council's support of the Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, the last time this came on our table, I was the dissenting vote and thereby it had gotten pushed back to today's proceedings. And, I have been brought up to speed as to what the discussion had been the, in the meeting that I had missed.

So, although I'm not happy with this particular litigation we're all facing, I understand that, you know, we need to go through the process and that process costs. I just still rather see these types of monies go towards a solution-based option versus litigation. But, that's just the world we live in right now. And so, I'll be supporting this to move it forward. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further comments? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes. Seven "ayes", zero "noes", two Members "excused"; Members Carroll and Victorino.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-35.

Mr. Chair, proceeding with committee reports.

COMMITTEE REPORT

NO. 15-27 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 15-36, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE FISCAL YEAR 2015 BUDGET", be ADOPTED; and
2. That County Communication 15-43, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT COMMITTEE REPORT 15-27, WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, seconded by Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Thank you.

Any other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes. Seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-36.

COMMITTEE REPORT

NO. 15-28 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 9 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX HOME EXEMPTION FOR MARRIED PERSONS LIVING SEPARATE AND APART", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-39, from Councilmember Riki Hokama, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

I MOVE THAT COMMITTEE REPORT 15-28, WITH ITS
RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this bill will assist the Department of Finance regarding a homeowner status by requiring that separated married persons shall provide a copy of a separation decree and to file separate income tax returns as a resident of the State. Thank you.

CHAIR WHITE: Thank you.

Other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 9 (2015).

COMMITTEE REPORT

NO. 15-29 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 10 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, MOLOKAI BASEYARD DESIGN AND CONSTRUCTION", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 11 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (MOLOKAI BASEYARD DESIGN AND CONSTRUCTION)", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 12 (2015), entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
4. That County Communication 15-74, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COMMITTEE REPORT 15-29, WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the revisions of the three bills will help the Department of Public Works move forward on their Molokai Baseyard Project and I ask the Members support for this important CIP. Thank you.

CHAIR WHITE: Thank you.

Any other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record BILLS 10, 11, and 12 (2015), respectively.

COMMITTEE REPORT

NO. 15-30 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 15-37, entitled "AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC., PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 14-276, from the Interim Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE REPORT 15-30.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Guzman and a second from Ms. Cochran.

Any further discussion, Mr. Guzman?

VICE-CHAIR GUZMAN: Thank you, Chair. On February 3, and March 17, 2015, your Committee met to consider a proposed resolution to authorize the grant of a utility easement for power and communication lines to Maui Electric Company, Limited, and Hawaiian Telcom, Inc., on portions of County real property located in Waiehu, Maui, Hawaii, identified as TMK: (2) 3-3-001:001, consisting collectively of approximately 574 square feet.

Your Committee learned the utility lines have been in place for over 20 years as a result of an easements conveyed to the utility companies by the prior landowner. However, it was not until the property was surveyed during subdivision recently that the utility lines were found to be on County property.

The proposed easement would authorize the utility companies to place, maintain, access their equipment on the property using due care, but would require the County maintain the property itself.

Maui Electric Company, Limited, confirmed it will be responsible for any tree, shrub trimming that may impact the integrity of its lines.

According to the Director of Parks and Recreation, the residents of the subdivision served by the utilities would benefit from the County's grant and, because the utilities were currently located on the County property, there would be no cost to the County as a result of the grant.

Your Committee recommended that the resolutions be adopted and the County Communications be filed. I ask that the Council's full support of this recommendations. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-37.

COMMITTEE REPORT

NO. 15-31 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-38, entitled "AUTHORIZING THE DISPOSITION OF HUI ROAD 'G' SITUATED AT NAPILI, MAUI, HAWAII", be ADOPTED; and
2. That County Communication 15-45, from the Director of Finance, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-31.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion by Ms. Cochran and a second by Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on March 16, 2015, to consider a resolution to: (1) declare Hui Road "G" to be vacated, closed, and discontinued as a County public highway; (2) declare the disposition by negotiation of Hui Road "G" to be in the public interest and, and (3) authorize the disposition of Hui Road "G" to Napili Kai, Ltd., for \$22,500 plus closing costs.

The acquisition of Hui Road "G" by Napili Kai, Ltd. will resolve an encroachment issue affecting Napili Kai's Sea House Restaurant. Currently, a portion of the restaurant is located within the boundaries of the Hui Road "G" parcel.

Hui Road "G" contains a concrete drainage culvert and sewer lines, and is used primarily for drainage purposes.

Napili Kai has held an exclusive easement for open space, parking, and recreational use since January 16, 1986.

The Director of Public Works stated that ownership of Hui Road "G" by the County is no longer necessary because it does not function as a roadway and is not active, actively used by the public.

So, your Committee notes pursuant to Sections 264-1(d), Hawaii Revised Statutes, an established County highway shall continue until vacated, closed, abandoned, or discontinued by the adoption of a resolution.

So, your Committee further notes pursuant to Sections 3.44.020, 3.44.030, and 3.44.050, Maui County Code, the Council may dispose of real property in fee simple through negotiation and waive public auction when in public interest, by the adoption of a resolution approved by two-thirds of the, the Members.

(Councilmember Guzman was excused from the meeting at 9:43 a.m.)

COUNCILMEMBER COCHRAN: The County will retain two non-exclusive perpetual easements for the continued operation and maintenance of County's drainage and sewer infrastructure within this Hui Road "G".

So, with all that, your Committee recommended adoption of this proposed resolution and filing of this county communication. So, I respectfully ask for my fellow Members support of the recommendations. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? I think Ms. Cochran covered every single nook and cranny of Hui Road "G" in her discussion. Seeing no further discussion, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, VICTORINO,
AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes. Six "ayes", zero "noes", and three "excused"; which are the two formerly mentioned and Mr. Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-38.

COMMITTEE REPORT

NO. 15-32 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-39, entitled "AUTHORIZING THE GRANTING OF AN EASEMENT TO CURTIS A. BURR, TRUSTEE OF THE WARMENHOVEN SPIRIT TRUST", be ADOPTED; and
2. That County Communication 15-46, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you again, Chair.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 15-32.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: Been moved by Ms. Cochran and seconded by Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met again March 16, 2015, to consider a resolution granting Curtis A. Burr, Trustee to the Warmenhoven Spirit Trust, a non-exclusive perpetual easement through a portion of Keoneoio-Makena Road, Kihei, Maui, Hawaii, for the installation of a sewerline and appurtenant equipment. The sewerline will be connected to a privately operated wastewater system and serve the Grantee's property at 4538 Makena Road.

Your Committee notes pursuant to Section 3.44.020, Maui County Code, the Council may grant easements by the adoption of a resolution.

So, the Director of Public Works informed your Committee that the Grantee shall restore the roadway to its original, or better, condition, to the satisfaction of the County, following installation of the sewerline.

Your Committee recommended adoption of this proposed resolution and filing of the communication. I therefore respectfully ask for the Council's support of the recommendations. Thank you again, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, VICTORINO,
AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes; six "ayes", zero "noes", and three "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-39.

COMMITTEE REPORT

NO. 15-33 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-40, entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of Carlson Kukona III (replacing June Davis) to the Public Works Commission, for a term expiring March 31, 2019.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE REPORT 15-33.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: Been moved by Mr. Couch and seconded by Ms. Crivello.

Mr. Couch.

(Councilmember Guzman returned to the meeting at 9:47 a.m.)

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting of March 16, 2015, your Policy and Intergovernmental Affairs Committee recommended approval of the Mayor's nomination of Carlson Kukona III to Public Works Commission for a term expiring March 31, 2019.

Your Committee notes that Section 2.98.010(A), Maui County Code, provides that one member of the Public Works Commission shall be "knowledgeable in the Hawaiian language". Mr. Kukona's nomination is intended to fill this requirement.

Your Committee voted 7-0 to recommend the adoption of the proposed resolution. I ask for the Council's full support of the recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any other discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes. Seven "ayes", zero "noes", and two "excused"; Mr.'s Victorino and Carroll.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-40.

COMMITTEE REPORT

NO. 15-34 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Bill 13 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN

INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-67, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 15-34.

COUNCILMEMBER CRIVELLO:

SECOND THE MOTION.

CHAIR WHITE: Thank you.

We have a motion from Mr. Couch and a second from Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting of March 16, 2015, your Policy and Intergovernmental Affairs Committee considered a proposed bill to authorize the Mayor to execute an intergovernmental agreement with the Hawaii Housing and Finance and Development Corporation to receive a grant of \$2,414,309 from the United States Department of Housing and Urban Development HOME Investment Partnerships Program. The funds would be used to develop a portion of the Kulamalu Affordable Housing Project located in Pukalani, Maui, Hawaii.

Your Committee notes Section 2.20.020, Maui County Code, states, "Unless authorized by ordinance, the mayor shall not enter into any intergovernmental agreement or any amendment thereto which places a financial obligation upon the County or any department or agency thereof."

A Deputy Corporation Counsel noted failure to comply with the terms of the agreement could place a financial obligation on the County.

According to the project description, there will 14 HOME-assisted rental units in Kulamalu, subject to HOME rental requirements for 20 years. After that, units will be

subject to the County's Affordable Housing Fund Program rental requirements in perpetuity.

Your Committee voted 7-0 to recommend passage of the proposed bill on first reading and filing of the communication. I ask for Council full support of these recommendations. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 13 (2015).

COMMITTEE REPORT

NO. 15-35 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-41, entitled "URGING THE HAWAII STATE BOARD ON GEOGRAPHIC NAMES TO RENAME IAO STREAM TO WAILUKU RIVER", be ADOPTED; and
2. That County Communication 15-80, from Councilmember Michael P. Victorino, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS
IN COMMITTEE REPORT 15-35.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second by Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Chair. At its meeting of March 16, 2015, your Policy and Intergovernmental Affairs Committee considered a proposed resolution to urge the Hawaii State Board on Geographic Names, otherwise known as the State Board, to rename Iao Stream to, to its previous name of Wailuku River.

Your Committee noted numerous documents from the late 19th century and early 20th century references to the body of water that flows out of the Iao Valley on Maui as "Wailuku River".

Your Committee also note, noted that Maui-based advocacy organization Hui o Na Wai Eha submitted an application for the name change to the State Board, pursuant to the requirements of Chapter 4E, Hawaii Revised Statutes.

Your Committee notes the English translation of Na Wai Eha is "the four great waters" and refers to the Waikapu, Wailuku, Waihee, and Waiehu rivers of Maui.

Your Committee acknowledged that the appropriateness and timeliness of restoring the name to Wailuku River because of the recent decision to restore water flow to the, to portions of Na Wai Eha.

Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of the communication. I ask for the Council's full support of this resolution. Thank you.

CHAIR WHITE: Thank you, Mr. Couch. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", and zero "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-41.

COMMITTEE REPORT

NO. 15-36 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 15-42, entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATERCRAFT OPERATIONS", be ADOPTED; and
2. That County Communication 15-49, from Councilmember Elle Cochran, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-36.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Couch and a second, Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting of March 16, 2015, your Policy and Intergovernmental Affairs Committee considered a proposed resolution to urge the Administration to execute an agreement to compensate eligible ocean safety officers, also known as lifeguards, for using personal watercraft in rescues and other operations.

Your Committee noted ocean safety officers have been using personal watercraft, such as Jet Skis, to perform ocean rescues through a pilot program since 2002, without additional compensation.

Your Committee notes that by Act 137 (2013) the State Legislature created Bargaining Unit 14, allowing for the Hawaii Government Employees Association, or HGEA, to collectively bargain on behalf of certain State and county public-safety officers, including ocean safety officers.

The Director of Personnel Services said the State has not approved a master contract for Bargaining Unit 14; therefore, ocean safety officers are still variously represented by HGEA Bargaining Units 3 and 4.

The Director of Parks and Recreation said the supplemental agreement sought by ocean safety officers would compensate them at a rate of \$2.50 per hour for watercraft operations. I, I think that's \$2.50 more per hour.

Your Committee voted 6-1 to, to recommend adoption of the resolution and filing of the communication. I ask for the Council's full support of these recommendations. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I'm very happy to see this move to this stage. And, just a side note is that the rest of the State already has entered into these agreements for their respective OSOs in their counties.

So, this, I was just trying to push forward, they had already set precedence of this matter, and hoping that we can get on board also to give, you know, due compensation to the people who put their, do hazardous work for us, this, the County and our community in saving lives in other, in other ways.

So, thank you very much and looking for continued support on the resolution.

CHAIR WHITE: Thank you. And, Members, before I call for the vote, I just want to point out that our Rules allow the Clerk to make non-substantive changes. And, there's a misspelling "supplement", should be "supplemental agreement" instead of "supplement agreement".

So, is there any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: The measure passes; six "ayes", one "no", and two "excused". And, the "no" is Mr. Hokama.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-42.

COMMITTEE REPORT

NO. 15-37 - POLICY AND INTERGOVERNMENTAL AGREEMENT:

Recommending the following:

1. That Bill 14 (2015), entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 13-181, from the Fire Chief, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-37.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Chair. At its meeting of March 16, 2015, your Policy and Intergovernmental Affairs Committee was very, very busy apparently. They considered a revised proposed bill to adopt, with amendments, the updated Hawaii State Fire Code, effective August 15, 2014, as the updated Maui County Fire Code.

Representatives from the Department of Fire and Public Safety explained the proposed Fire Code amendments.

The revised proposed bill repeals Chapter 16.04B, Maui County Code, and adds a new Chapter 16.04C, Maui County Code, pertaining to the Fire Code.

Your Committee was satisfied with the proposed amendments to the Maui County Fire Code and voted 7-0 to recommend passage of the bill, as revised, and filing of the communication. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on the Fire Code?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman. Chairman, I speak in support of the motion. I want to say that if Council moves this forward, Maui County will be the first County to have the most current code regarding fire protection in the State.

Second, it would be, I would be remiss without giving a, appropriate recognition to Captain Haake and Lieutenant English, who did great work in making sure that the update was timely to come before Committee. And, this is something that I had hoped we could have passed last year.

But, this still makes Maui County the first in the State, Chairman. So, I would ask the Members to please support the Department and the Code by passing this today. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 14 (2015).

CHAIR WHITE: Okay. We're going to take a five-minute recess. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:58 A.M., AND WAS RECONVENED AT 10:07 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CARROLL AND VICTORINO, EXCUSED.)

CHAIR WHITE: This regular meeting of the County Council will please come back to order.

Mr. Clerk, proceed with county communications.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-95 - ALAN M. ARAKAWA, MAYOR,
(dated March 17, 2015)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Kent Hiranaga on March 16, 2015.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Without objection, I'd ask the Clerk to bring up 15-96 as well.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

NO. 15-96 - ALAN M. ARAKAWA, MAYOR,
(dated March 24, 2015)

Informing of a vacancy on the Board of Water Supply due to the resignation of Kula Gaughen-Haili on March 19, 2015.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 15-95 AND
15-96.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch and a second from Ms. Crivello.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. These are just informing of vacancies on a couple of, the Cost of Government Commission and Board of Water Supply. So, these are letters from the Mayor.

I want to thank Mr. Hiranaga for his work on the Cost of Government Commission, and Kula Gaughen-Haili for their work on the Board of Water Supply. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

NO. 15-97 - DON S. GUZMAN, COUNCIL VICE-CHAIR,
(dated March 31, 2015)

Transmitting Councilmembers' Report on Educational Conference: "2015 Maui Energy Conference".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-97.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Mr. Couch.

VICE-CHAIR GUZMAN: Thank you, Chair.

CHAIR WHITE: Go ahead.

VICE-CHAIR GUZMAN: Yea, Councilmembers Michael Victorino, Gladys Baisa, and myself, attended the Maui Energy Conference on Wednesday, March 25, 2015, and Thursday, March 26, 2015, at the Maui Arts and Cultural Center. Councilmembers did not attend the optional tours offered on Friday, March 27, 2015.

I make this report pursuant to the State Sunshine Law specifically Section 92-2.5(e) of the Hawaii Revised Statutes, as amended in 2012 by Act 177.

Conference attendees received presentations on the evolving role of energy consumers and implications for power utilities, policymakers, and consumers.

A quorum of the Council was not present at any time. The educational conference was not specifically and exclusively organized for or directed towards Members of the Council. No commitment was, related to a vote on any Council business was made or sought at the meeting. Chair, that concludes my report.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any further comment or concerns? Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

NO. 15-98 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated March 12, 2015)

Transmitting the Department of Water Supply water use report for January 2015, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Wailuku Water Company and East Maui Irrigation Company, Ltd. for the same period.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO FILE THESE REPORTS.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion by Ms. Baisa and a second by Mr. Couch.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Just move to file. These are routine reports and will not need the attention of the Committee. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, very happy to be on this Committee again, but I haven't been the last term. And, throughout, every time we were filing these reports I kept asking for the Maui Land & Pine figures. And I finally see them here today. And, so it was, we have like a whole year's worth of all their, their report, their reporting numbers all lumped into this one.

So, it's kind of odd cause HC&S and everyone else gives us quarterly, I think religiously. And, so, anyways I just will look further into why we do it on this basis for that one company. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", two "excused".

Mr. Clerk.

NO. 15-99 - MIKE WHITE, COUNCIL CHAIR,
(dated March 30, 2015)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF GREG GARNEAU AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED APPROVE, "APPROVING THE APPOINTMENT OF
GREG GARNEAU AS A LEGISLATIVE ATTORNEY IN THE
OFFICE OF COUNCIL SERVICES", AND FILE THE
COMMUNICATION.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second by Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Greg Garneau obtained his law degree from George Washington University and is admitted to the State Bars of both Hawaii and Washington.

He has extensive public service experience on Maui, having served in the past as a Deputy Prosecuting Attorney, a Deputy Public Defender, a Deputy Attorney General, and a First Deputy of Corporation Counsel.

Greg's most recent experience is as an attorney for the Law Firm of Carlsmith Ball LLP in Wailuku. He provides expertise in land use, zoning, administrative law, and other legal matters. He appears in court and before various boards and commissions.

In addition to his professional services and experiences, he is active in the community and serves as a leader in multiple community service organizations.

Greg's experience will make him a valuable addition to the Office of Council Services. I urge the Members for the support of this resolution.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members?

Seeing none, I'll just add that I also participated in the interview process and we had a very, very, very good bunch of candidates. And, our staff came up with three finalists, all of whom I think could have done a wonderful job for us. And, I believe Mr. Garneau is, is ready and able to help us in many ways. And, so, I look forward to welcoming him with the passage of this resolution, should you all vote in favor.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", two "excused".

And, Mr. Garneau is with us this afternoon so, congratulations this morning. So congratulations, Mr. Garneau. Welcome.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-43.

NO. 15-100 - STACY CRIVELLO, COUNCILMEMBER,
(dated March 31, 2015)

Transmitting a proposed resolution entitled "URGING THE MAYOR TO PROPOSE AN AMENDMENT TO THE FISCAL YEAR 2015 BUDGET FOR THE CONTINUED OPERATION OF THE MOLOKAI FERRY".

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: I move, thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION BE ADOPTED,
AND THAT COUNTY COMMUNICATION 15-100 BE FILED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion by Ms. Crivello and a second by Mr. Couch.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. The proposed resolution calls on the Mayor to propose an amendment to the Fiscal Year 2015 Budget for the continued operation of the Molokai Ferry.

Members, we have all heard the news that ferry owner Dave Jung has reported ridership and has a result of, there's been a drop in revenues and, and ridership.

The ferry operator has requested the PUC allow it to reduce services from twice a day to once a day and has stated economic conditions may cause the ferry to be shut down altogether.

The Molokai Ferry is a lifeline for the people of Molokai who rely on it to reach to work on Maui. And reduction in services or a loss of the ferry would limit countywide participation in academic, athletic, cultural, social, and economic events. Countywide includes our students from Lanai, also from Maui, and of course Hana.

The Economic Development Revolving Fund was established in 2011 to support economic development in Maui County.

As noted in my proposed resolution, the Council expressly found the fund necessary to strengthen and diversify the County's economy; to support existing County businesses; to promote job creation; to attract new business, industry, construction, and events that will foster economic development in the County; and to improve the overall economic and social well-being of the County. Preservation of this lifeline between Molokai and Maui meets these public purposes.

The estimated available balance of the revolving fund is \$1,000,000. The Mayor's submittal of a proposed amendment due to Fiscal Year 2015 Budget ordinance to appropriate \$500,000 from the Economic Development Revolving Fund to Lahaina Cruise Company, Inc., in accordance with Chapter 3.81, Maui County Code, would enable the Council to consider interim funding for the continued operation of the Molokai ferry, while the Administration explores a more favorable cost-sharing arrangement with the State of Hawaii or other long-term solutions.

I ask for the Members full support of this resolution.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Thank you.

Any further discussion?

Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, thank you.

I MOVE TO REFER THIS ITEM TO COMMITTEE UNDER
ROBERT RULES SECTION, SUBSECTION 13, ALSO
SUPPLEMENTED BY RULES OF THE COUNCIL 7(E).

COUNCILMEMBER COCHRAN:

SECOND FOR DISCUSSION.

CHAIR WHITE: I'm sorry, I, I was looking at Mr. Couch. I didn't hear exactly what you said.

VICE-CHAIR GUZMAN:

I MOVE TO REFER THIS ITEM TO COMMITTEE UNDER
ROBERT RULES SUBSECTION 13, SUPPORTED BY
RULE 7(E) OF THE COUNCIL.

COUNCILMEMBER COCHRAN:

AND, I SAID SECOND FOR DISCUSSION.

CHAIR WHITE: Okay, we're going to take a quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:17 A.M., AND WAS
RECONVENED AT 10:18 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS
CARROLL AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order. We have a
motion to refer by Vice-Chair Guzman and a second by Ms. Cochran.

Discussion, Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. The reason why I would like to have this item
referred to Committee is because I don't think that as a Council we have received all
of the information needed to thoroughly and freely debate this issue in, at the Council
level, as well as analyze all the material facts.

I have recently gone on the website for the Public Utilities Commission, and have
reviewed a letter from the attorneys for the, the ferry requesting a change in sailing
schedule. And, in that letter, also says that basically, economically they can survive if

given the opportunity for a hearing with the PUC and their charter agreement or the commuter program is agreed to with the PUC. I, I have yet to heard any kind of testimony or evidence or, from the owner itself or the attorney directly.

I've heard constituents and, and by all means, I support the, the travel back and forth and the needs of the community. I just feel that we haven't had the opportunity to fully receive the status of the economic causes or the results of this situation. That being said, this is almost similar to a Federal bailout. And, and when those situations happen there is quite extensive vetting of the issues and understanding of why we are bailing out a certain company.

And, another factor would be, I haven't received the profits and losses, why monthly ridership, yearly ridership, I don't know what the economic situation is and whether the 500,000 would, would basically support or sustain further longevity of this company or not. I have yet to receive that type of information.

As a, another factor, I would hate to, I wouldn't use the word hate, I feel uncomfortable making a preliminary commitment in voting yes on the underlying item when in fact we haven't vetted it through. That being said, if this resolution were to pass, it would commit my vote to eventually look, if the Mayor didn't support it or take the 500,000, it would basically commit my vote in looking at our own budget for 2000, and the this, the current budget and seeing whether we have monies there. And, and, and relying on my preliminary commitment to support this, this item.

I'm not at the position of really making that commitment at this very moment. I do understand the situation with the constituents and their needs to travel back and forth. I just need more information in, to make an informed decision. And, so that's why we have this ability and vehicle to refer items to Committee so that information and the analysis can be done. And, so that's all I'm asking at this point. I'm not saying no or yes, I'm just asking that the information be received via Committee and debated, not really debated, or analyzed.

I do have copies, Chair, of the, the letter from the attorney to the Utilities Commission. And, in that letter, it also asking for State support. This is the letter from the attorney of the ferry. So, if I could pass this out. This is public record, it's on the PUC website.

CHAIR WHITE: That's fine.

VICE-CHAIR GUZMAN: So, I would hope that the Members would support this motion to refer to Committee so that all the information can be analyzed. And, a, a true dialog

with the owner, Mr. Jung, and the PUC agents can be part of that discussion. And, maybe, as one of the testifiers mentioned, options can be discussed, viable options.

So, that's all I have to say in support of my motion to refer to Committee. Thank you, Chair.

CHAIR WHITE: Okay. I'd just like to point out Members, that this resolution does not have the force and effect of law. It doesn't commit us to \$500,000. It's simply asking the Mayor to take a look at this and come back to us with a budget amendment. It would sure take a significant amount of review at the Mayor's level before it would come back down to us. When it comes back down to us is the time that would be appropriate for us to go through the, the process.

Mr. Couch.

COUNCILMEMBER COUCH: Well, you took the words right out of my mouth.

CHAIR WHITE: Oh, sorry.

COUNCILMEMBER COUCH: I, I understand Mr. Guzman's concerns and I have those same concerns. But, the time to discuss that is if and when a budget amendment comes down. If it doesn't come down then the point would be moot. So, this is just urging the Mayor to start the process.

And, if Mr. Guzman wants to discuss this while we're waiting for that, I'm also fine with, you know, having a referral to Committee after the fact of this resolution cause I'd like to support the resolution. But, still have it go to Committee even after we pass it. So, if this motion fails, I probably would amend the original motion to not file the communication and refer it to Committee. Thank you.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I will be not in support of the motion on the floor. The reason is for what you've stated and what Member Couch has already stated.

For me, you know, the ferry situation goes way, way back when we had the pineapple company leave Molokai. The reason that we were able to keep things going was that MEO worked with the farm workers, and Mr. Jung, and the ferry. And, we brought hundreds of people to Maui for employment, and it worked.

And, I would like very much to do what Mr. Guzman is recommending, that we study very carefully the situation in terms of ridership, finances, and whatever. But, what I see on our table today is a resolution asking the Mayor, please this is important, can you consider sending some kind of a budget amendment. And, at that time, I am sure that we're going to ask all the questions. But, to send this forward today, I'm in full support. And, I would like, of course, to look very carefully at the information if the Mayor sends a budget amendment.

But, we need to do this. Molokai needs the help. And, I really want us to try our very best to keep them economically strong. I think we need to understand their self-interest here. When Molokai is not strong, we need to help them. They are a member, they are, they are our ohana. And so, I think we should do everything we can to help them.

And this does not tie the Mayor to anything, or really us to anything. We're saying, Mayor, please send something and let's study it. Thank you.

CHAIR WHITE: Thank you. And, I, I appreciate the research that Mr. Guzman has done. And, as you and Mr. Couch both stated, this is an issue that requires a significant amount of, of review before any kind of action can be taken.

And, I know Ms. Crivello has been working very hard at the, at the Legislature to see if there's any way that they can provide some assistance as well. We provided, when I was in the State Legislature, we, we provided assistance from the State to the Molokai Ferry. And that lasted, I don't recall for how long, but then, you know, following the end of that subsidy, Mr. Jung has been continuing this service. I believe he's been providing the service for 30 years.

COUNCILMEMBER CRIVELLO: Correct.

CHAIR WHITE: And, there are times when economics don't make things easy. And part of the challenge that they face right now is that the airfares are very close to what they, what the ferry charges. So, for those that don't have big teams and a lot of equipment, or a lot of groceries to take back to Molokai, it's very difficult to get on a plane.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I'll, I'll just say I cannot support Mr. Guzman's motion at this time because all this resolution is asking, like my colleague Baisa and Couch stated, it's for our Mayor to please take a look at it; what can be available from the Economic Revolving Fund. And, the final decision, really, comes from the Mayor if

he wishes to submit some sort of amendment. And, this is what I'm posing through this resolution in support.

I can understand where Mr. Guzman is coming from and in a way, I cannot understand where he's coming from. I was advised by our legal analyst that the waiver is not necessary because it's not having the force and effect of law like, as you mentioned.

So, I ask my Members to support the, pursuant of this resolution to our Mayor. And, at this time, I cannot support where Mr. Guzman is.

CHAIR WHITE: Yea, what is, what is on the floor right now--

COUNCILMEMBER CRIVELLO: Right.

CHAIR WHITE: --just so we keep it clear is not the resolution, it's the--

COUNCILMEMBER CRIVELLO: Right.

CHAIR WHITE: --the motion to refer.

COUNCILMEMBER CRIVELLO: Right.

CHAIR WHITE: Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair. Oh, sorry, Chair.

VICE-CHAIR GUZMAN: You go.

CHAIR WHITE: Ms. Cochran, go ahead.

COUNCILMEMBER COCHRAN: Thank you. And, yea, I appreciate the documents and, and sort of browsing through it really quickly. Cause my question was about the PUC and, and where's been the involvement and dialog. So, just so I kind of understand, I understand it's a resolution, no force and effect of law, but the monies, because it's in this 2015 current budget, then it's up to the Mayor to make the decision to adjust or, a proviso, or appropriate this 500,000 to the ferry service? Or--

CHAIR WHITE: He can--

COUNCILMEMBER COCHRAN: --I mean, that's one of his options to do?

CHAIR WHITE: He would have to provide us with a budget amendment that would come back down to our Budget and Finance Committee for review and approval, or denial.

COUNCILMEMBER COCHRAN: Right, and--

CHAIR WHITE: But, you know, based on the timing, it's also somewhat unlikely that we're going to be able to get it done before the end of the year. But, that's again, this is an issue that's going to take a lot of review by the Administration first and then a lot of review by this body, secondly. And the options are, you know, if, if they, if the, if there is a desire to provide the funding, there's also the option of taking it out of a, a different source of funding, not just the Economic Development Fund. So, all the options are on the table.

This is simply saying, can you take a look at this and give us your thoughts. If you want to move this forward, send us a budget amendment and then we'll go through our process.

And, the detail of a review that Mr. Guzman and yourself and all of us are interested in doing is appropriate at that time, not at this time. So, I don't think it's, it's not necessary to, or appropriate in my view to refer it to Committee because it's a very short timeframe within which we want to give the Mayor an opportunity to act. And, there are a lot of moving pieces in this. I've, you know, I've gone through it at the State level.

My commitment to this is because Mr. Jung has stuck his neck out. And, for many years he's subsidized the Molokai Ferry shortfall through the revenues he's generating in the rest of his operations at, that operate out of Lahaina.

So, this is a, you know, this is not the time for the discussion of all the moving pieces. It's just simply, pass this out to the Mayor, has no force and effect of law, and see what we can move on that.

Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, thank you. Yea, it appears that you guys maneuvered in terms of saying that, okay because of seven elite, 7(E) Council Rule, it has no force and effect of law, it's a resolution; Humpty Dumpty fell off the wall, jump, the moon jumped over the, the cow jumped over the moon. So, what are we actually doing, you know?

When we, when we pass resolutions it is supposed to mean something, not nothing. And, I'm talking about consistency, integrity, credibility of this Council. When we

pass something out of the Council, it's supposed to mean something, it's supposed to have some type of effect. It may not have the force and effect of law, but it's got to have an effect of credibility.

Now, Chair, I know you want to interrupt me, but I still have my time. I, I, I, or I'll move to extend my debate. But, anyways, my point is not against any constituents or Ms. Crivello's motion, or motion for the resolution. My point is basically, if we are asking as a budget type appropriations, and, and we're--

CHAIR WHITE: Let's be clear, this is not an appropriation.

VICE-CHAIR GUZMAN: It's a request for the Mayor to look at whether he can file an amendment. So, it's a request, yes.

And, please don't interrupt me, Chair, cause it's, you don't have the floor, I have the floor right now.

So, in any case, if we're asking the departments to come forward during our budget deliberations and, and telling them to justify why they need the monies, wouldn't it be the same true as us requesting the Mayor to make an amendment? What is the justification? We're just sending it up and letting him decide what to do? I think we have more of a responsibility for it. And, I'm just talking procedurally wise and credibility wise. You know, are we making, are we passing resolutions just to pass them out? They've got to mean something, and that's my point.

I'm not against, you know the, the constituents receiving services. I'm looking at procedures and the integrity of this Council as we pass out resolutions. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: You know, Mr. Guzman, I understand what he's saying. But, we also have an, this, my colleague who sticks to the Rules of the Council, and it says in the Rules exactly what we're talking about; it doesn't have the effect of law. So, you know, what does it mean? I, Humpty Dumpty fell off the wall? That's exactly what's happening, okay. And, this comes to our Molokai residents. I will not be here if there was no value in proposing this resolution to the Mayor.

And, the Mayor will no doubt look into this revolving fund, that comes out from your Committee, if there's availability of monies that he can so recommend for his 2015

amendment. And, this is an attempt for his consideration. And, this is all this resolution is asking. And, the fact of the matter that you're questioning the integrity for us to--

CHAIR WHITE: Yea, let's, let--

COUNCILMEMBER CRIVELLO: --have it waive the Committee process, I sorry, cannot go with that, Mr. Guzman.

CHAIR WHITE: Okay, the Chair is going to call for the question at this point. I think we've, we all kind of know where we're coming from. And, so the motion on the floor or the vote we're taking is whether to refer to Committee this resolution or not. So, a vote "yes" is to refer it, a vote "no" is to allow us to pass it out today as is permitted by the Rules of the Council.

So, all those in favor of the motion, please say "aye".

AYES: COUNCILMEMBER COCHRAN AND
VICE-CHAIR GUZMAN.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS BAISA, COUCH, CRIVELLO,
HOKAMA, AND CHAIR WHITE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: I believe the measure fails with two votes; five yes, or two "yes's", five "noes", and two "excused".

Okay, we're onto the main motion. Any further discussion, Members?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

AS THE SECOND OF THE, SECONDER OF THE MOTION, I
WOULD LIKE TO AMEND THE MOTION TO REMOVE THE
FILING OF THIS COMMUNICATION, AND ACTUALLY
REFERRING IT TO COMMITTEE.

So, I would ask the maker of the motion to move to adopt the resolution and then send the matter to the appropriate Committee.

COUNCILMEMBER CRIVELLO:

I SECOND THAT MOTION.

CHAIR WHITE: Okay, so you agree with the amendment? Okay, any objections to the amendment, Members?

COUNCILMEMBER BAISA: No.

CHAIR WHITE: Okay. Mr. Couch.

COUNCILMEMBER COUCH: Okay, now I'd like to speak on the motion itself. What Committee?

COUNCILMEMBER HOKAMA: Wait, point of order, Chairman.

COUNCILMEMBER COCHRAN: Yea.

COUNCILMEMBER HOKAMA: You cannot have an amendment without one vote.

COUNCILMEMBER BAISA: We have a motion.

COUNCILMEMBER HOKAMA: So, is there a motion for an amendment or not?

COUNCILMEMBER COUCH: Yes.

VICE-CHAIR GUZMAN: Chair, can I get a clarification of the amendment restated.

CHAIR WHITE: Mr. Couch, if you would restate your motion.

COUNCILMEMBER COUCH:

OKAY, I WOULD LIKE TO AMEND THE ORIGINAL MOTION
TO ADOPT THE RESOLUTION AND REFER THE
COMMUNICATION TO THE APPROPRIATE COMMITTEE.

COUNCILMEMBER COUCH: That's, that's the motion.

CHAIR WHITE: That the motion?

COUNCILMEMBER CRIVELLO:

AND, I SECOND.

CHAIR WHITE: Okay.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Any further discussion on the motion to amend?

VICE-CHAIR GUZMAN: Chair. I move to--

CHAIR WHITE: Member Guzman.

VICE-CHAIR GUZMAN:

CHAIR, I MOVE TO AMEND THE, THE RESOLUTION, TO
DELETE THE LANGUAGE OF ECONOMIC REVOLVING
FUND.

DEPUTY COUNTY CLERK: Mr. Chair, excuse me.

CHAIR WHITE: We're going to take a recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:38 A.M., AND WAS
RECONVENED AT 10:38 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS
CARROLL AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order.

And, Mr. Guzman, we can't amend, you can amend an amendment if it's part, if
you're amending what was just amended. So, this amendment, this is really
sounding funny, but, this amendment has to proceed and then you can suggest your
amendment.

All right, we have to take a vote on this amendment first because you're not
amending Mr. Couch's amendment.

VICE-CHAIR GUZMAN: No, I'm going back to the main--

COUNCILMEMBER COUCH: Right.

VICE-CHAIR GUZMAN: --the main motion--

CHAIR WHITE: You can't do that until, we have a motion on the floor--

VICE-CHAIR GUZMAN: --the main question.

CHAIR WHITE: --to amend. So, you have to wait and when we take action on this and then we'll come back to you.

VICE-CHAIR GUZMAN: Okay, okay, right, right. Right, right, cause he's amending the main?

CHAIR WHITE: Right. Okay.

COUNCILMEMBER BAISA: Okay.

VICE-CHAIR GUZMAN: Correct. Proceed.

CHAIR WHITE: Further discussion on Mr. Couch's motion to amend?

COUNCILMEMBER BAISA: Question.

CHAIR WHITE: Pardon.

COUNCILMEMBER BAISA: Call for the question.

CHAIR WHITE: Thank you. All those--

COUNCILMEMBER COUCH: Mr., Mr. Chair.

DEPUTY COUNTY CLERK: Yea, Mr. Chair, if we could just get clarification as to what is that appropriate Committee to be referred to.

CHAIR WHITE: I would think Budget.

COUNCILMEMBER COUCH: That, that's would be up to the Chair.

DEPUTY COUNTY CLERK: Okay.

COUNCILMEMBER COUCH: At a, at a, you know.

COUNCILMEMBER BAISA: That's the Chair's discretion.

COUNCILMEMBER COUCH: Yea.

CHAIR WHITE: Okay, all those in favor signify--

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: --by saying "aye".

COUNCILMEMBER COUCH: Aye.

VICE-CHAIR GUZMAN: Chair, can I just get one more clarification on this thing. Where, we are amending the motion?

COUNCILMEMBER COUCH: Mr. Chair, I can.

COUNCILMEMBER BAISA: Can we--

COUNCILMEMBER HOKAMA: Point of order, Chairman. Point of order.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:42 A.M., AND WAS RECONVENED AT 10:42 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CARROLL AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order.

The Chair had called for the question, and once that is done, there's no further debate. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Okay. Now, Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO AMEND THE, THE RESOLUTION TO DELETE
THE LANGUAGE OF ECONOMIC REVOLVING FUND.

COUNCILMEMBER COCHRAN:

SECOND, FOR DISCUSSION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second by Ms. Cochran to delete the wording relating to the Economic Revolving Fund.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Now, if we truly want the Mayor to consider all options in finding monies or appropriations to, to go forward with an amendment, why would we limit the Mayor to the Economic Revolving Fund? I would propose that, allow him, allow the Administration latitude to go after or look at several different pots of monies to, to create or draft that amendment. So, by limiting it to one fund, the Economic Revolving Fund, you're limiting your, your opportunities for the Mayor to look at different options.

So, I would propose that we delete the narrow specific language of using, or going for the Economic Revolving Fund. Thank you, Chair.

CHAIR WHITE: Okay. Any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. So, you're, you're saying, Mr. Guzman, just to clarify anywhere where it says revolving fund.

VICE-CHAIR GUZMAN: Yes. So, obviously the 500,000, I don't know where you guys, where the, the monies, that amount of money is required. But, 500,000, that's fine if, if, if that's what the resolution is asking for. But, to delete where that money, 500,000 comes from, deleting the specific fund which is the Economic Revolving Fund would allow the Administration the opportunity, or option to look at different other areas of funding.

CHAIR WHITE: The Chair would just like to point out that this is a resolution. It doesn't make the Mayor do anything. If he wants to take it out of the, his, his wife's haircut budget, he can take it out of there.

Again, you know, this is, this is something that is, we're sending up, asking him to take a look at it. It doesn't require him to take it out of any specific fund. He has full authority to make budget amendments. And, whatever fashion he chooses, we have no authority to amend the budget without his input.

So, when, as far as the 2015 Budget is concerned, we have no capacity to act. When it comes to the 2016 Budget, we have all the ability to do what we feel is appropriate. So, Chair won't be supporting the, the motion.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I want to point out that if we remove those words, then it makes two of the whereas's and one of the be it resolves, doesn't make it work. So, I, I can't support that either.

I understand Mr. Guzman's concern. And I think that can all be handled as the resolution comes down, if it even comes down from, the amendment comes down. Thank you.

CHAIR WHITE: Right. Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. So, this resolution is, I guess, urging to seek 500, half a million dollars to be committed to this company for just, for three months; April, May, June. I mean, if this could . . . perfect process go that quickly, is that kind of what this would be paying for? And, then the 2016 Budget, which we are all in power to create something, we could either make up the 500 that he's not willing to put in, or we could look for this 500 before we start, come June, July 1?

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: So.

CHAIR WHITE: And, just as, as we all learned with encumbrances yesterday, they could encumber \$500,000 that would last for whatever length of time the, the contract was entered into.

COUNCILMEMBER COCHRAN: Right. Okay, okay. And, I just--

CHAIR WHITE: As long as it happened before the end of the year.

COUNCILMEMBER COCHRAN: Right. Just, okay, this is like Committee thinking right now. But, okay.

CHAIR WHITE: Okay, so Members, the vote we are taking out; "yes" means we take out the Economic Revolving Fund, "no" means we leave the, the resolution as amended. Any further discussion? All those in favor please signify by saying "aye".

COUNCILMEMBER BAISA: Aye.

VICE-CHAIR GUZMAN: Aye.

COUNCILMEMBER BAISA: Wait, wait, let's be clear.

COUNCILMEMBER COUCH: Roll call.

COUNCILMEMBER BAISA: Let's be clear on what we're voting on.

CHAIR WHITE: Okay, the vote, if you say, if you say "yes", you want to take Economic Revolving Fund out. If you say "no", you want to just leave the resolution as we just amended it.

COUNCILMEMBER BAISA: Okay.

CHAIR WHITE: Okay. Clerk, let's do a roll call vote.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Don Couch.

COUNCILMEMBER COUCH: NO.

DEPUTY COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: KANALOA.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.

CHAIR WHITE: EXCUSED.

COUNCILMEMBER COUCH: Point of order.

COUNCILMEMBER BAISA: Point of order.

COUNCILMEMBER COUCH: I don't think we have "kanaloa" in our--

CHAIR WHITE: I think it's in the statute.

COUNCILMEMBER COUCH: It's in the, our Council Rules over, override that.

COUNCILMEMBER HOKAMA: Excused.

CHAIR WHITE: I think, I think you need to vote Mr. Hokama.

COUNCILMEMBER HOKAMA: I don't need to. You can mark my vote whatever is the majority.

CHAIR WHITE: Okay. Continue.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Vice-Chair Don S. Guzman.

VICE-CHAIR GUZMAN: AYE.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBER COCHRAN AND
VICE-CHAIR GUZMAN.

NOES: COUNCILMEMBERS BAISA, COUCH, CRIVELLO,
HOKAMA, AND CHAIR WHITE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

DEPUTY COUNTY CLERK: Mr. Chair, there are five "noes", including Councilmember Hokama's; and two "ayes"; two Members "excused".

CHAIR WHITE: Okay, thank you. Measure fails. We're back to the main motion.

Any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, just to help out with the Mayor if he's looking at this, the minutes of this meeting, the Department of Transportation also, it's part of their responsibilities. It says planning and implementation of all modes of transportation in Maui County, including those in the air and those on the water and land. We subsidize our bus system right now. We don't subsidize airlines or, or ferries but it, it is in with the purview of the Department of Transportation in this County to consider that. I'm not saying we do it, just to consider it. And, that's what this motion does. Thank you.

CHAIR WHITE: Yea, and I believe Ms. Crivello has had discussions with the Department and the Department has, has shown support for looking into it.

So, is that correct, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Yes, that is correct. And, I'm looking at all avenues and, you know, not only depending on the County; whatever may be available out there to support this vital transportation for, for the island. And, again, I hope we can move forward and get this resolution to put to a vote or what have you.

CHAIR WHITE: Okay. Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I just want to express my support one more time for this resolution. You know, when it was first presented and I looked at it, I had my concerns because we don't have details. But, there's something that I know very clearly and that is we need to help our brothers and sisters on Molokai. We need to help economic development on that island.

And, if the Mayor is willing to come to us with a budget amendment and a suggestion as to how to help this ferry stay alive, we're not only helping them, we're helping ourselves. You know, it's really difficult to go to Molokai on an airplane. I'm not looking forward to doing it this afternoon. I much rather be on the ferry. And, it provides an option to so many people. It's kind of a lifeline.

And so, I would really, really ask my colleagues, let's get this out and hopefully the Mayor will respond with some proposal, which we're going to have the final say on anyway. And, all of this information that we want, and I know we all want information, I want it too. I want to know is this a onetime thing? Is 500,000 a good number? How is it going to be used? What are the finances? We all want to know all these things. But, we need to get going. And if we don't get this going, the, you know, the house is burning down while we're thinking about it. Thank you.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would just ask for your consideration that if you plan to refer this, you refer it to IEM Committee for jurisdiction. Thank you.

CHAIR WHITE: Thank you.

Any further discussion?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Yea, I just, I want to just reiterate that I am not in opposition for the services for the constituents of Molokai. I will support this resolution and I will do so because they need transportation.

My reservations, as pointed out, was consistency with this body and making sure that when we, when we do deliberate, it's done in Committee. And obviously, we've taken much of half an hour to twenty-five minutes on this item in full Council. So, that being said, I'm done. I will vote for this resolution in support of Molokai. But, pointed out we've done a lot of the Committee work here on the floor. Thank you.

CHAIR WHITE: The Chair would just point out this is certainly not committee report, this is something that has no force and effect of law. I agree with you that if it was something else that, if it was a money vote that we were taking, it would be absolutely deliberated. So, and we are doing things well within the Council Rules by not requiring waiver or referral of resolutions that have no force and effect of law.

With that, the Chair will call for the question, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-44.

NO. 15-101 - MIKE WHITE, COUNCIL CHAIR,
(dated March 31, 2015)

Transmitting a proposed resolution entitled "APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank, thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFFERAL AND REPORT FOR THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 15-101, ENTITLED "APPOINTING IN [S/C] A ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE" AS PROVIDED IN RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay, it's been moved by Mr. Guzman and seconded by Mr. Couch.

VICE-CHAIR GUZMAN: No further ques, discussion.

CHAIR WHITE: Okay, any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-45.

COUNCILMEMBER COUCH: Mr. Chair, point of order.

CHAIR WHITE: Yes.

COUNCILMEMBER COUCH: He just waived it. We haven't passed on anything.

DEPUTY COUNTY CLERK: Oh, apologize.

CHAIR WHITE: Oh, sorry about that.

DEPUTY COUNTY CLERK: That's right.

CHAIR WHITE: Okay, then we'll take a vote on the waiver.

COUNCILMEMBER COUCH: We did.

CHAIR WHITE: Oh, we did okay.

COUNCILMEMBER COUCH: Now we need a motion to do something.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION BE ADOPTED
AND THAT THE COUNTY COMMUNICATION 15-101, BE
FILED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: It's been moved by Mr. Guzman and seconded by Mr. Couch.

Mr. Guzman, further discussion?

VICE-CHAIR GUZMAN: Thank you, Chair. The proposed resolution would appoint Presiding Officer Pro Tempore Michael P. Victorino as the Maui County Council's representative to the HSAC Executive Committee for a term commencing July 1, 2015, and ending on June 30, 2016.

The resolution would also appoint Councilmember Gladys C. Baisa as the Maui County Council's alternative representative to the HSAC Executive Committee for the same one-year term.

Mr., Member Victorino's considerable experience with, with the HSAC Executive Committee will continue to be a benefit in this vital role, as will Member Baisa's participation and guidance with HSAC and State Legislative matters.

I, I, I ask the Members in support of this motion.

CHAIR WHITE: Thank you.

Further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN,
AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL AND VICTORINO.

CHAIR WHITE: Measure passes; seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

VICE-CHAIR GUZMAN: Quick recess.

CHAIR WHITE: Quick recess, at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:56 A.M., AND WAS RECONVENED AT 10:57 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CARROLL AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the Council of the County of Maui will come back to order. And, we're proceeding with the next item.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-45, respective to County Communication 15-101.

NO. 15-102 - MIKE WHITE, COUNCIL CHAIR,
(dated March 31, 2015)

Transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND GOVERNOR TO SUPPORT LEGISLATION FACILITATING PUBLIC-PRIVATE COLLABORATION FOR THE MAUI COUNTY'S PUBLIC HOSPITALS AND HEALTH CARE".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RESOLUTION STATED BY THE CLERK, AND FILE COUNTY COMMUNICATION 15-102.

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: Been moved by Mr. Couch and seconded by Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. This resolution was introduced on your behalf. And, but I think this is a vital issue and I hope it to be resolved before the end of the Legislative session. It's something that the County of Maui needs to really be behind, take a look at the legislation, the State bill. I think it's House Bill 1075, Senate Draft, House Draft 2, Senate Draft 2. It goes on and on but it's

something that I think we need to send a clear message to the State Legislature, and time is of the essence. So, thank you.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. You know, for me, this is a hard decision believe it or not. You know, yes, there have been articles in the newspaper but I have learned long ago, since I don't have a Walter Cronkite to tell me that's the way it is, I don't trust everything I read either.

And, so the status of what is the actual situation of our Maui County Hospital system, you know, I would have hoped. But, you know, I have my concerns Chairman. Let me tell you this about this proposal and what is going before the Legislature. I find it interesting because Maui Memorial has been, it's not a bad term, cash cow, but it was a very well run hospital that created profit. It was able to support the sister hospitals of Kula and Lanai Hospitals.

You know, for me, part of the frustration of this discussion that the legislators doing is whether or not they truly understand the State Constitution. You know, as one of the delegates in 1978, Chairman, I can tell you, the delegates were concerned about the level of service that would be provided to the residents of the State, just like education. And, so, I think it is the job of the Legislature to fit the level of service the community desires and finding the money. It shouldn't be this is such much money we're only willing to give you, we don't want to do, deal with losses and therefore take what is the level of service that that provides. I think they got it ass backwards to be blunt.

I'm disappointed HHSC has been poor in communications. This is from the last time they had this type of legislation at the Legislature. Who is talking to my community? Yes, maybe they made a comment to Pulama Lanai and I'm happy they did. Maybe they had a meeting with the hospital auxiliary group, terrific.

But, why do I always get questions from the community when I'm home, especially on the weekends. What is going on Mr. Hokama? I said I have the same question; bad communications. The system hasn't communicated, hasn't told us about level of service. The union hasn't told us nothing except UPW because we have our own . . . on Lanai that keeps his membership informed, but HGEA has been poor. I got it from our own employees.

So, we're concerned what is going to happen to our resident employees? What is going to happen to our level of service on Lanai? Is it going to decrease, is it going to be the same, is it going to be improved? You know, my frustration is that this is so poorly done and it's, and asking me to support this. And, I'm having a difficult time, Chairman. I think all parties involved is doing a bad job.

The only person I can say took an interest and showed up and met as many people as she could was Lynn DeCoite. Our brand new appointed State Representative; making the time to come to Lanai and personally talk to individuals about what they thought was important to them from the State as well as some of the issues regarding like the hospital issue.

Who else is talking to our people that is dependent upon that one community hospital for one whole island? Rotten job on the hospital, rotten job on the union, rotten job from the Legislature on not keeping, I mean I don't even know what they told the Kula community or the general community of this County since Maui Memorial is the service provider. Poor job, poor job. That's all I got to say, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Further discussion, Members?

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I'm going to be supporting this. My support for the hospital is not new. And, I've been involved in certificate of need process. I helped with the South Maui Hospital and I'm going to, I support the West Maui Hospital, and I'm going to support solving this problem at Maui Memorial.

We don't have a choice. We have no options. When we're sick or when we're going to have a baby, or we're going to have a whatever is happening that you need the hospital, we need it. And, my family, people I care about and everybody who depends on them, our life is on the line. We're not talking about widgets, making widgets. We're talking about people's lives and it scares me a lot when I hear stories about closing services, laying off people.

You know, we're not talking about a ferry. It's another story and the ferry is very important, but you know, when you're talking about saving lives, the, to me there's no room for let's think about it. We need to maintain services, we need to have the best services we can. You know, if you have the ability to go to off-island, to go to the mainland, to go to Honolulu, to go wherever you need to get the care, that's one story. But, if you're just a regular average person and you wind up at Maui Memorial

needing services, they need to be there for you because if they're not, something's going to happen.

So, I really, really want to force everybody to sit down and solve this problem. It's gone on too long. And if this resolution can in anyway help to make that happen, I want to be a part of it. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Further discussion, Members?

Mr. Clerk.

DEPUTY COUNTY CLERK: With no objections from the Members, the Office of the County Clerk would like to request permission to amend the title of the resolution to remove the second instance of the word "THE" that can be found between the words "FOR" and "MAUI", just for a cleaner reading.

COUNCILMEMBER BAISA: Try again.

CHAIR WHITE: Any objection, Members?

COUNCILMEMBER BAISA: Try again.

DEPUTY COUNTY CLERK: The second instance of the word "THE" which is a, I'll read a portion of it, "COLLABORATION FOR THE MAUI COUNTY'S PUBLIC HOSPITALS", we'd like permission from the Members, if there are no objections, to remove the word "THE" found before the words "FOR" and before the word "MAUI".

COUNCILMEMBER BAISA: Okay.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. I, I was just, it just popped out at me in this resolution on the last "Whereas", where it states "the visitor industry is dependent on the perception". It just strikes me as odd that there's this, I don't know, a façade or perception that something is and it carries on, "the perception and reality of high-quality health care". I mean, it would suffice, it'd be strong if it took out the perception part cause the visitor industry is dependent on high-quality health care being available. That, so I just thought that, just I don't know.

CHAIR WHITE: Yea, I think the, the reason for the word perception is that when, when visitors come to Maui they, they feel they're coming to a place that they're going to get good health care. And so, if they have that perception, they're going to be more likely to, comfortable coming here.

I, I don't know what the, what the number of visitors versus residents are, but I've heard that there are, at times, more visitors in the emergency room than there are residents. So, this is a facility that's vital to our visitor industry because, you know, when they come here they want to feel like they're being very well taken care of.

(Councilmember Hokama was excused from the meeting at 11:06 a.m.)

CHAIR WHITE: And, I know from many of my visitors, there have been some, there have been lots of accolades from people that are, that have gone to either the emergency room or have been admitted for a variety of things. So, I send them there with, you know, the confidence that they're going to be very well taken care of and being taken care of by caring people.

So, I think it's, it's important that we show our, our level of support to, to urge the, the Legislature to resolve this issue either by providing the funding or by providing the appropriate public-private partnership alternative.

(Councilmember Guzman was excused from the meeting at 11:07 a.m.)

CHAIR WHITE: So, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, HOKAMA,
VICTORINO, AND VICE-CHAIR GUZMAN.

CHAIR WHITE: Measure passes; five "ayes", zero no, zero "noes" with Members Carroll, Hokama, Guzman, and Victorino "excused".

Okay, moving along. I was going to bring up, Clerk would you please, without objections, Members, I'd like to call up County Communication 15-110.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just respective to County Communication 15-102, that's RESOLUTION 15-46.

NO. 15-110 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,
(dated March 30, 2015)

Transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2016 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES".

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Chair, can I have a short recess?

CHAIR WHITE: Yes. Thank. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:09 A.M., AND WAS RECONVENED AT 11:10 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS CARROLL, HOKAMA AND VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting of the County Council will come back to order. We'll go back to Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 15-110, AS PROVIDED FOR IN RULE 7(E) OF THE RULES OF THE COUNCIL.

CHAIR WHITE: Is there a second?

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: There's a motion by Mr. Couch and a second by Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. As noted in the proposed resolutions, well as noted in the proposed resolution, Section 21 of the HSAC bylaws requires that on or before April 15, the executive--

CHAIR WHITE: Wait, I think we're on the waiver.

COUNCILMEMBER COUCH: I know and this is, I'm talking about the waiver.

CHAIR WHITE: Okay.

COUNCILMEMBER COUCH: Thank you.

CHAIR WHITE: Excuse me.

COUNCILMEMBER COUCH: The Executive Committee must prepare and submit to each Council an operating budget for the next fiscal year. The bylaws also require that after considering of the budget by the Council, HSAC must adopt the budget at its annual meeting. Approval of the motion to waive the requirement of the committee referral and report by two-thirds of the vote of the entire membership of the Council, will enable the Council to consider the budget prior to HSAC annual meeting in June without the need for scheduling a special Committee meeting for this purpose during the budget session.

CHAIR WHITE: Any further discussion on the waiver? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, HOKAMA, AND
VICTORINO.

CHAIR WHITE: Measure passes. Six "ayes", zero "noes", and three "excused";
Mr.'s Hokama, Victorino, and Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE THAT THE PROPOSED RESOLUTION BE ADOPTED
AND THAT COUNTY COMMUNICATION 15-110, BE FILED.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER BAISA:

SECOND.

CHAIR WHITE: We have a motion by Mr. Couch and a second by Ms. Baisa.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. The proposed resolution would
approve the HSAC Fiscal Year 2016 Proposed Operating Budget attached as
Exhibit "A" to the resolution which was approved by the Executive Committee at its
March 10 meeting. I ask for the Members full support.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please
signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, HOKAMA, AND
VICTORINO.

CHAIR WHITE: Measure passes; six "ayes", zero "noes", three "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-47.

Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following committees as noted:

NO. 15-103 - ALAN M. ARAKAWA, MAYOR,
(dated March 24, 2015)

Relating to the proposed Fiscal Year 2016 Budget including the following:

1. Mayor's Budget Proposal;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2016";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY MILLION EIGHT HUNDRED EIGHT THOUSAND TWO HUNDRED FIFTY DOLLARS (\$80,808,250) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND

CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";

5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI;
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE";
7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE IAO WATER TREATMENT FACILITY REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2016 BUDGET ORDINANCE;
8. Mayor's Budget Proposal Synopsis; and
9. CD of the Fiscal Year 2016 Mayor's Budget Proposal.

The recommended action is that County Communication No. 15-103 be referred to the Budget and Finance Committee.

NO. 15-104 - LANCE T. TAGUCHI, AUDITOR,
(dated March 19, 2015)

Transmitting the Single Audit Reports and the required communications letter for the Fiscal Year Ended June 30, 2014, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 15-104 be referred to the Budget and Finance Committee.

NO. 15-105 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated March 27, 2015)

Transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, SOLID WASTE MANAGEMENT FUND, CHARGES FOR CURRENT SERVICES, FEES – REFUSE COLLECTION".

The recommended action is that County Communication No. 15-105 be referred to the Budget and Finance Committee

NO. 15-106 - ELLE COCHRAN, COUNCILMEMBER,
(dated March 24, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.20.420, MAUI COUNTY CODE, RELATING TO VEHICLE WINDSHIELD REQUIREMENTS".

The recommended action is that County Communication No. 15-106 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-107 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated March 23, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.44, MAUI COUNTY CODE, RELATING TO SPECIAL STOPS".

The recommended action is that County Communication No. 15-107 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-108 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated March 12, 2015)

Transmitting a proposed Change in Zoning application filed by Chris Hart & Partners, Inc., transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO A-1 APARTMENT DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 4-3-009:005, LAHAINA, MAUI, HAWAII".

The recommended action is that County Communication No. 15-108 be referred to the Land Use Committee.

NO. 15-109 - MICHAEL P. VICTORINO, PRESIDING OFFICER PRO TEMPORE,
(dated March 20, 2015)

Relating to the procedures regarding DNA test results by the Department of Police and Department of the Prosecuting Attorney.

The recommended action is that County Communication No. 15-109 be referred to the Policy and Intergovernmental Affairs Committee.

(See pages 73 through 76 for discussion and action relating to County Communication No. 15-110.)

NO. 15-111 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated March 20, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES".

The recommended action is that County Communication No. 15-111 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. We'll have them referred to the appropriate Committees.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 5 (2015)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
OFFICE OF THE MAYOR (HAWAII STATE ENERGY OFFICE)

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I, I MOVE TO PASS BILL 5 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Bill 5 (2015) is an amendment to add a 20,000 grant from the Hawaii State Energy Office to support the 2015 Maui Energy Conference that was held on March 25 through the 27.

The County of Maui was a sponsor of the conference that featured experts from across the nation, presenting the, the latest trends in electric utility industry and public policy influencing customer choices.

I ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you. Is there any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CARROLL, HOKAMA, AND
VICTORINO.

CHAIR WHITE: Measure passes; six "ayes", zero "noes", and three "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 6 (2015)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION,
FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO PASS BILL NO. 6 ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Bill 6 (2015) is an amendment to increase the appropriations for the Department of Public Works, Federal Highway Administration, Federal-Aid and Other Transportation Grants, by 2,925,550, and to change the title of the grant to more accurately reflect the current Federal program.

(Councilmember Baisa was excused from the meeting at 11:18 a.m.)

VICE-CHAIR GUZMAN: The additional funds will be used to supplement the Fiscal Year 2015 appropriations for the following projects: Kokomo Road Pavement Reconstruction; (2) Hansen Road Improvements; and (3) Lono Avenue Pavement Rehabilitation Phase 2.

I ask for the Members for their support. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, CARROLL, HOKAMA,
AND VICTORINO.

CHAIR WHITE: Measure passes. Five "ayes", zero "noes", and four Members "excused"; Mr. Carroll, Ms. Baisa, Mr. Hokama, and Mr. Victorino.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 7 (2015)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF PUBLIC WORKS (STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION – SAFE ROUTES TO SCHOOL
PROGRAM SPECIAL FUND)

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO PASS BILL NO. 7 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Bill 7 (2015) is an amendment to add 101,000 grant from the State of Hawaii Department of Transportation – Safe Routes to School Program Special Fund.

This program enables and encourages children to walk or bicycle to school by providing safe paths.

The funds will be used for the workshops to engage schools to explore projects that may benefit their students, and for the planning and design of new projects.

I ask for the Members support. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND CHAIR
WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, CARROLL, HOKAMA,
AND VICTORINO.

CHAIR WHITE: Measure passes; five "ayes", zero "noes", four "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 8 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF
MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
STATE OF HAWAII FOR THE IMPLEMENTATION OF COUNTY FEDERAL-AID
HIGHWAY PROJECTS AND PROGRAMS, AND TO INDEMNIFY THE
STATE OF HAWAII UNDER CERTAIN LIMITED CIRCUMSTANCES

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 8 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Been moved by Ms. Cochran and seconded by Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Infrastructure and Environmental Management Committee met on February 16, 2015, to consider a bill authorizing the execution of an intergovernmental agreement with the State for the implementation of County Federal-aid projects for eligible road, roads and activities.

The agreement will formalize the process for implementing Federal-aid highway projects by establishing the responsibilities of the State and the County for utilizing Federal-aid funds and implementing projects.

The agreement also establishes new requirements relating to the coordination of projects with the new Maui Metropolitan Planning Organization, multiyear estimates of available Federal-aid funds, and the indemnification of the State by the County in certain limited circumstances.

The Director of Public Works expresses his support for the proposed bill and formal agreement governing the implementation of projects noting that a formal agreement has never existed.

I respectfully ask for this Council's support of this measure. Thank you very much, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, COUCH,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS BAISA, CARROLL, HOKAMA,
AND VICTORINO.

CHAIR WHITE: Measure passes; five "ayes", and zero "noes", and four "excused".

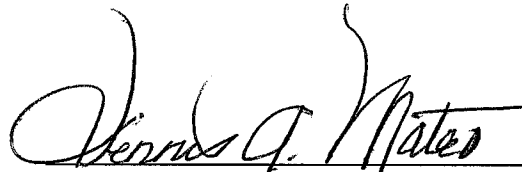
Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, ladies and gentlemen. And, with that, we will adjourn and we will move on to Molokai this evening. We'll see Ms. Crivello on her home island. With that, we are adjourned.

ADJOURNMENT

The regular meeting of April 7, 2015 was adjourned by the Chair at 11:22 a.m.

A handwritten signature in black ink, reading "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII